

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK**

CROWN CASTLE FIBER LLC,

Plaintiff,

v.

CITY OF ROCHESTER, NEW YORK; MALIK D. EVANS, as the MAYOR of the CITY OF ROCHESTER (in his official capacity); RICHARD PERRIN, as the COMMISSIONER, CITY OF ROCHESTER DEPARTMENT OF ENVIRONMENTAL SERVICES (in his official capacity); and the ROCHESTER CITY COUNCIL,

Defendants.

Civil Action No. 6:20-cv-06866-EAW-MWP

**DECLARATION OF JOSHUA S. TURNER IN SUPPORT OF PLAINTIFF'S
MOTION *IN LIMINE***

I, Joshua S. Turner, pursuant to 28 U.S.C. § 1746 and Rule 7(a)(3) of the Local Rules of Civil Procedure for the Western District of New York, make this Declaration in support of Plaintiff's Motion *In Limine*, and state as follows:

1. I am a partner at the law firm of Wiley Rein LLP, counsel for plaintiff Crown Castle Fiber LLC ("Crown Castle") in this matter.

2. I respectfully submit this supplemental declaration in support of Crown Castle's Motion *In Limine* to exclude Defendant City of Rochester's ("City") "Cost Spreadsheet" document from trial and to preclude City witness Louie Tobias from offering expert opinion testimony.

3. I make this declaration based on my personal knowledge and review of non-privileged records related to this litigation.

4. All facts recited in Crown Castle's Motion are true and correct to the best of my knowledge.

I declare under penalty of perjury that the foregoing is true and correct. Executed on February 24, 2023.

/s/ Joshua S. Turner
Joshua S. Turner (admitted *pro hac vice*)
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